

CR 15 - 576

EAG:KMT
F. # 2015R0555

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VITALIANO, J.
MANN, M.J.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

JOSE RODRIGUEZ,
also known as "Lazaro,"
JOSE CRESPO,
also known as "Santana" and "San,"
RAY JOHNSON,
also known as "Moreno" and "Spoon,"
JERMAINE STEPHENSON,
also known as "Half,"
JOSE PEREZ,
ISMAEL DEVALLE,
also known as "Ish,"
MIRIAM GAITHER and
GRACE JAEN,
also known as "Gracie" and "Graciela,"

Cr. No. _____
(T. 18, U.S.C., §§ 922(a)(1)(A), 922(g)(1),
924(a)(2), 924(a)(1)(D), 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(d), 2 and 3551 et seq.;
T. 21, U.S.C., §§ 841(b)(1)(A)(i),
841(b)(1)(B)(iii), 841(b)(1)(C),
841(b)(1)(D), 846, 853(a) and 853(p); T. 28,
U.S.C., § 2461(c))

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(Heroin, Cocaine Base, Cocaine and Marijuana Distribution Conspiracy)

1. In or about and between December 2014 and November 2015, both dates being approximate and inclusive, within the Eastern District of New York, the defendants JOSE RODRIGUEZ, also known as "Lazaro," JOSE CRESPO, also known as "Santana" and "San," RAY JOHNSON, also known as "Moreno" and "Spoon," JERMAINE STEPHENSON, also known as "Half," JOSE PEREZ, ISMAEL DEVALLE, also known as

“Ish,” MIRIAM GAITHER, and GRACE JAEN, also known as “Gracie” and “Graciela,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing heroin, a Schedule I controlled substance, (b) a substance containing cocaine base, a Schedule II controlled substance, (c) a substance containing cocaine, a Schedule II controlled substance, and (d) a substance containing marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

2. With respect to the defendants JOSE RODRIGUEZ, also known as “Lazaro,” JOSE CRESPO, also known as “Santana” and “San,” RAY JOHNSON, also known as “Moreno” and “Spoon,” JERMAINE STEPHENSON, also known as “Half,” JOSE PEREZ, ISMAEL DEVALLE, also known as “Ish,” and GRACE JAEN, also known as “Gracie” and “Graciela,” the amount of heroin involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least one kilogram of a substance containing heroin; and the amount of cocaine base involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least 28 grams of a substance containing cocaine base.

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(i), 841(b)(1)(B)(iii), 841(b)(1)(C) and 841(b)(1)(D); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Unlawful Use and Possession of Firearms)

3. In or about and between December 2014 and November 2015, both dates being approximate and inclusive, within the Eastern District of New York, the defendants

JOSE RODRIGUEZ, also known as “Lazaro,” JOSE CRESPO, also known as “Santana” and “San,” JERMAINE STEPHENSON, also known as “Half,” and JOSE PEREZ, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the crime charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crime, one or more of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT THREE
(Illegal Dealing in Firearms)

4. In or about and between December 2014 and November 2015, both dates being approximate and inclusive, within the Eastern District of New York, the defendants JOSE RODRIGUEZ, also known as “Lazaro,” RAY JOHNSON, also known as “Moreno” and “Spoon,” and JOSE PEREZ, together with others, not being licensed importers, licensed manufacturers or licensed dealers of firearms, did knowingly and willfully engage in the business of dealing in firearms.

(Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D), 2 and 3551 et seq.)

COUNTS FOUR THROUGH TEN
(Felon-in-Possession)

5. On or about the following dates, within the Eastern District of New York, the defendant JOSE RODRIGUEZ, also known as “Lazaro,” having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did

knowingly and intentionally possess in and affecting commerce the following firearms and ammunition:

COUNT	DATE	FIREARMS
FOUR	April 1, 2015	An ISSC .22 caliber handgun with serial number ABE532
FIVE	April 17, 2015	A Smith & Wesson revolver with serial number M681-1; a Masterpiece Arms handgun with serial number A7556; a Smith & Wesson revolver with serial number 33K974; a Glock .40 caliber handgun with serial number RLA582; and ammunition
SIX	April 22, 2015	A Norinco SKS rifle with serial number 10258029A and ammunition
SEVEN	May 22, 2015	A Colt .45 caliber handgun with serial number 1895249; a Weihrauch, Hermann revolver with serial number 1064831; a Beretta handgun with serial number 572635; a DPMS Inc. A15 rifle with serial number F176935; and ammunition
EIGHT	June 1, 2015	A Ruger .22 caliber revolver with serial number 264-04104; a Taurus .357 caliber revolver with serial number Q1562492; a Taurus .44 caliber revolver with serial number AL545070
NINE	September 9, 2015	A Diamondback Arms .380 caliber handgun with serial number ZF5156 and ammunition
TEN	September 11, 2015	A Star, Bonifacio Echeverria .40 caliber Firestar handgun with serial number 2097802

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT ELEVEN
(Felon-in-Possession)

6. On or about September 9, 2015, within the Eastern District of New York, the defendant ISMAEL DEVALLE, also known as "Ish," having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Diamondback Arms

.380 caliber handgun with serial number ZF5156, and ammunition.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT TWELVE
(Felon-in-Possession)

7. On or about April 1, 2015, within the Eastern District of New York, the defendant JOSE PEREZ, having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: an ISSC .22 caliber handgun with serial number ABE532.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE

8. The United States hereby gives notice to the defendants, that upon their conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense.

9. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWO THROUGH TWELVE

10. The United States hereby gives notice to the defendants charged in Counts Two through Twelve, that upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Section, 924(d) and Title 28, United States Section, 2461(c), which requires the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(g) and/or 924, or any violation of any criminal law of the United States.

11. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON



ROBERT L. CAPERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JOSE RODRIGUEZ, et al.,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 922(a)(1)(A), 922(g)(1), 924(a)(2), 924(a)(1)(D),
924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(d), 2 and 3551 et seq.; T. 21,
U.S.C., §§ 841(b)(1)(A)(i), 841(b)(1)(B)(iii), 841(b)(1)(C),
841(b)(1)(D), 846, 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ day, of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Kevin Trowel, Assistant U.S. Attorney (718) 254-6351